

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
HELD ON 11 OCTOBER 2021 FROM 7.00 PM TO 8.15 PM**

Committee Members Present

Councillors: John Kaiser (Chairman), Prue Bray, Imogen Shepherd-DuBey, Abdul Loyes, Daniel Sargeant (Vice-Chairman), Caroline Smith and Jackie Rance

Parish/Town Council Representatives: Sally Gurney (Co-Optee, Wokingham Town Council)

Officers Present

Neil Carr, Democratic and Electoral Services Specialist
Jennifer Lee, Deputy Monitoring Officer
Andrew Moulton, Monitoring Officer

9. APOLOGIES

Apologies for absence were submitted from Roy Mantel.

10. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 19 July 2021 were confirmed as a correct record and signed by the Chairman.

Note: Sally Gurney referred to the discussions on updating the Member Code of conduct and highlighted the need for a consistent definition of “co-opted” member in the relevant procedures and documents.

11. DECLARATION OF INTEREST

There were no declarations of interest.

12. PUBLIC QUESTION TIME

There were no public questions.

13. MEMBER QUESTION TIME

There were no Member questions.

14. PARISH / TOWN COUNCIL QUESTION TIME

There were no questions from Town and Parish Councillors.

15. PROCESS FOR HANDLING MEMBER CODE OF CONDUCT COMPLAINTS

The Committee considered a report, set out at Agenda pages 9 to 18, which gave details of an independent review of the Council’s arrangements for handling Member Code of Conduct complaints.

The report stated that the Committee had agreed to commission the review from Hoey Ainscough Associates Ltd., an independent company with significant experience and expertise relating to standards in local government. The review had benchmarked the Council’s procedures against good practice and the recommendations made by the Committee on Standards in Public Life.

The report stated that, in summary, the independent review concluded that the Council's procedures were broadly in line with most authorities and represented good practice in many aspects. However, there were a number of comments on specific aspects of the procedures which the Committee may wish to consider. Paul Hoey attended the meeting to provide further analysis and to answer Member questions.

The Committee considered the following recommendations, set out in the Hoey Ainscough report:

- Process for Considering Code of Conduct Complaints – this detailed process document was available online but not on the WBC website.

Recommendation – that the document “Process for Considering Code of Conduct Complaints” be added to the Council website along with a copy of the Code of Conduct.

- Receipt and acknowledgement of a complaint – WBC's internal timescale for acknowledgement of a complaint was three working days.

Recommendation – that the three working day timescale for acknowledgement of a complaint be formalised by adding it to the process.

- Timescale for the Subject Member to comment on the complaint.

Recommendation – that the Subject Member should be given a timescale within which to provide comments and if no comments are received, the Monitoring Officer should proceed without the comments. Furthermore, the Monitoring Officer should not go back to the complainant for clarification in relation to any comments received by the Subject Member – this could form part of the investigation if necessary.

Note: The Committee agreed that a timescale of 15 working days was appropriate for Subject Member comments – this timescale to be extended at the Monitoring Officer's discretion.

- In Parish or Town Council cases the process stated that the Monitoring Officer would seek the Clerk's views, but it was not clear what the Clerk was being asked to comment on.

Recommendation – that the Clerk's views be sought on factual matters (e.g. was the Member present at the meeting complained about) rather than matters of opinion.

- Initial assessment of complaints currently undertaken by the Monitoring Officer in conjunction with an Independent Person and the Chairman of the Standards Committee.

Recommendation – that the Monitoring Officer only consult with the Independent Person when carrying out the initial assessment and deciding on a course of action.

- Informal resolution – in cases where informal resolution has been pursued but has not been successful, the Council should reserve the option to refer the matter for formal investigation.

Recommendation – that the Monitoring Officer be able to refer a complaint for investigation where it is considered that informal resolution has failed – the Independent Person should be consulted in these circumstances.

- Public disclosure of Subject Member's name - in cases where informal resolution had followed an investigation and finding of a breach of the Code of Conduct, the current process stated that the Subject Member's name was not to be disclosed.

Recommendation – that the Subject Member's name be disclosed where the Investigating Officer has found a breach of the Code of Conduct following investigation and the case has been referred for informal resolution.

- Hearing Panels meeting in Private – as a decision making body of the Council a Hearings Panel is covered by the rules relating to access to information and political balance.

Recommendation – that there should not be a blanket presumption towards closed hearings, with each meeting to consider the facts on their merits at the start of proceedings.

Note: the Committee agreed that the Hearings Panel could meet in public but the Panel would consider and make any decisions in private.

Recommendation – that the Standards Committee consider whether political proportionality should apply to Hearings Panel meetings.

Note: the Committee agreed that political proportionality should apply to Hearings Panel meetings.

RESOLVED That:

- 1) Paul Hoey be thanked for attending the meeting to answer Member questions;
- 2) the recommendations in the Hoey Ainscough report, as set out above, be approved;
- 3) that the agreed recommendations be forwarded to the Constitution Review Working Group and full Council;
- 4) the Monitoring Officer, in consultation with the Chairman of the Standards Committee, be given delegated authority to draft the changes to the Constitution arising from 2) above.

16. UPDATE ON COMPLAINTS

The Committee considered a report, set out at Agenda pages 19 to 24, which provided an update on progress relating to Councillor Code of Conduct complaints.

The report stated that, since the previous meeting of the Committee, on 19 July 2021, four new complaints had been received. In addition, a number of complaints had been progressed.

Andrew Moulton, Monitoring Officer, provided a progress report on each of the complaints (set out at Appendix A to the report). Andrew stated that he would be writing to all

Members about the proposed changes to the complaints handling process, as discussed earlier in the meeting.

Andrew stated that he would also be meeting with Town and Parish Clerks to discuss the impact of the Borough Council's updated Code of Conduct and amended procedures. It was noted that Town and Parish Councils had a discretion relating to the adoption of the LGA Model Code of Conduct.

Members suggested that Andrew consider additional guidance to Members on virtual/hybrid meetings and issues relating to dealing with the media.

RESOLVED That:

- 1) the update on Councillor Code of Conduct complaints be noted;
- 2) the Monitoring Officer consider the provision of additional guidance to Members on conduct in virtual/hybrid meetings and issues relating to dealing with the media.